

West Virginia Department of Agriculture

Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner



MEMORANDUM

TO: Mac Warner, Secretary of State
FROM: Kent Leonhardt, Commissioner of Agriculture *KAL*
DATE: December 4, 2020
RE: Emergency Modification of 61 C.S.R. 29 (Industrial Hemp)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

On March 16, 2020, Governor Justice issued a proclamation declaring a state of emergency in response to the public health risks posed by the COVID-19 epidemic in West Virginia. Pursuant to the Governor's authority set forth in W.Va. Code §15-5-6(c)(7), that proclamation "delegate[d] to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

The legislative rule relating to Industrial Hemp (61 C.S.R. 29) establishes requirements for applicants seeking to renew their hemp licenses to obtain state and federal criminal background checks once every three years as part of the renewal application process.

Because of the impact of COVID-19 within our community, and because obtaining background checks requires in-person meetings to collect fingerprints, I have decided to modify the Industrial Hemp legislative rule, 61C.S.R. 29, by suspending the following provisions:

3.12.b. The Commissioner shall require license renewal applicants to complete background checks once every three years as part of the renewal application process.

6.11.b. The Commissioner shall require license renewal applicants to complete background checks once every three years as part of the renewal application process.

Applicants who would otherwise have had to complete a background check this year will be required to do so before renewing their application next year. This rule modification will remain in effect until the current State of Emergency is lifted by the Governor, or until lifted or otherwise modified by the Commissioner.

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